

10-28-16P02:22 RCVD



CONSTRUCTORS INC.

**POWELL CONSTRUCTORS, INC.**  
GENERAL ENGINEERING CONTRACTOR8555 BANANA AVENUE - FONTANA, CA 92335  
PHONE (909) 356-8880 - FAX (909) 356-1299  
LICENSE #845305AVia GSO Overnight and  
Fax (916) 227-6282

October 28, 2016

Department of Transportation  
Division of Engineering Services  
Office Engineer  
P.O. Box 168041, MS-43  
Sacramento, CA 95816Attn: Jill Y. Sewell  
Office Chief  
Office Engineer, Construction Contract AwardsRef: Bid Protest  
Contract No. 07-297404  
DOB: 10/20/2016

Ms. Sewell:

Powell Constructors, Inc. having reviewed the bid and DBE Submittal of the apparent low bidder, Aldridge Electric, Inc., believe their bid to be nonresponsive for the following reasons:

1. Revised Standard Specifications 2-1.12B(2), "DBE Commitment Submittal" requires the submission of a copy of the quote describing the type and dollar amount of work from each DBE shown on the DBE Commitment form.

Aldridge Electric, Inc. failed to submit the required quotes by 4:00 PM on the 4<sup>th</sup> business day after the bid opening.

Because Aldridge Electric, Inc. did not comply with the contract's revised specifications, their bid should be declared nonresponsive.

2. Aldridge Electric, Inc. is to list Work Category Codes for the Bid Item No.s listed for the DBEs work claimed on the DBE Commitment form.

Aldridge Electric, Inc. listed Her-Con Construction Services, Inc. for Item No.s 11 - Treated Wood Waste, 12 - Remove Guardrail, 15 - Remove Asphalt Concrete Dike, 16 - Clearing and Grubbing, 17 - Roadway Excavation, 18 - Minor Hot Mix Asphalt and 19 - Place Hot Mix Asphalt

Dike (Type C), but did not provide the work codes associated with this work. Her-Con Construction, Inc. does not have the work codes listed on their DBE certification and therefore this \$43,898.08 work cannot be counted toward the claimed participation, reducing the claimed amount to \$197,270.68 or 8.23%.

The DBE goal for the project is 10%.

Aldridge Electric, Inc. did not submit a Good Faith Effort and therefore should be declared nonresponsive.

3. Aldridge Electric, Inc. also listed Her-Con Construction Services, Inc. for Item No. 20(F) "Minor Concrete (Minor Structure)" with a work code of C5100 - Concrete Structure described as "Forms, pours, places, finishes and installs specified mass, pavement, flat and other concrete work; and places and sets screeds for pavements or flatwork".

We believe that the appropriate work code should be C5105 - Minor Concrete Structure described as "Plywood formations with concrete poured in to them", and therefore the \$12,675.16 should not be counted toward the claimed participation, reducing the claimed amount to \$184,459.52 or 7.70%.

Again, this percentage is less than the 10% DBE goal and the lack of a Good Faith Effort should render the bid nonresponsive.

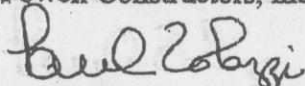
4. Also, amounts listed for Her-Con Construction Services, Inc. on the DBE Confirmation do not match the percentage of work indicated in the bid proposal.

We have enclosed copies of Aldridge Electric, Inc.'s DBE Commitment, without copies of the quotes as they were not submitted, DBE Confirmation, and Her-Con Construction Services, Inc. DBE Certification with work codes.

For the above reasons, Powell Constructors, Inc.'s protest should be upheld and the project should be awarded to Powell Constructors, Inc. as the lowest responsible bidder.

We look forward to receiving your determination of our protest.

Best Regards,  
Powell Constructors, Inc.

  
Paul Zolezzi  
Contract Manager

# Low Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
DBE - COMMITMENT  
DES-05-0102.10D (REV 12/2014)

10-26-16 11:57 AM

CONTRACT NO: 07-297404

BID AMOUNT: \$ 2,396,294.00

BID OPENING DATE: October 20, 2016

BIDDER'S NAME Aldridge Electric, Inc.

DBE GOAL FROM CONTRACT 1: 10% (\$239,629.40)

DBE PRIME CONTRACTOR CERTIFICATION <sup>1</sup>	TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)	TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)
N/A	5	\$376,598.76

BID ITEM NO	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED <sup>2</sup>	WORK CATEGORY CODES <sup>3</sup>	NAME OF DBE (Must be certified on the date bids are opened. Include Caltrans' certification no., DBE address, and phone number. Show 2nd and lower tier subcontractors)	AMOUNT (\$)
11, 12, 15 - 20, 30	Roadwork	C0651, C0100, C0810	Her-Con Construction Services, Inc.	\$73,390.76
2, 3, 4, 6	Traffic Control	C1201, C1210	Maneri Traffic Control, Inc.	\$75,478.00
35	Lighting Systems Furnish & Install CIPD Piles	C4908	Don H Mahaffey Drilling Co	\$92,300.00

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE showing that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq.).

<sup>1</sup>Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

<sup>2</sup>If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

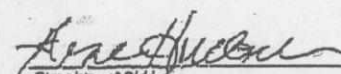
<sup>3</sup>Use Work Category Codes from the California Unified Certification Program database.

Total Claimed Participation

\$ 241,188.76

10.06 %

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 25.53).



Signature of Bidder Gene R. Husbner, CFO

October 25, 2016 847-421-9180  
Date (Area Code) Tel. No.

Todd Simmons  
Person to Contact (Please Type or Print)

ADA Notice

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Contract No. 07-297404



STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**DBE CONFIRMATION**  
 DES-05-0102.13 (NEW 05/2015)

Contract No.: **07-297404**

Name of DBE business: **Her-Con Construction Services Inc.**

Name of DBE representative: **Joseph Hernandez**

DBE certification number: **36281**

Name of bidder: **Aldridge Electric, Inc.**

Name of prime contractor if different from the bidder:

Name of representative of bidder or prime contractor: **Todd Simmons**

Date: **October 25, 2016**

Bid item number	Item of work and description of services to be subcontracted or materials to be provided	Amount (\$)
11	Treated Wood Waste	\$7,250.40
12	Remove Guardrail	\$9,872.40
15	Remove Asphalt Concrete Dike	\$4,493.60
16	Clearing and Grubbing (LS)	\$7,839.60
17	Roadway Excavation	\$6,002.40
18	Minor Hot Mix Asphalt	\$1,861.80
19	Place Hot Mix Asphalt Dike (Type C)	\$6,570.80
20(F)	Minor Concrete (Minor Structure)	\$12,675.16
30	Vegetation Control (Minor Concrete)	\$16,824.60
Total		\$73,390.76

If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

As an authorized representative of a certified disadvantaged business enterprise, I certify that my business was contacted by the bidder or prime contractor shown above regarding the contract shown above. If the bidder is awarded the contract, my business will enter into a contractual agreement with the bidder or prime contractor to perform the type and dollar amount of work shown on the DBE Commitment form.

I certify under penalty of perjury that the foregoing is true and correct.

Signature of DBE's authorized representative:

**Joseph Hernandez**

Printed name of DBE's authorized representative:

**President**

Title of DBE's authorized representative:

**10-25-16**

Date:

**ADA Notice**

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Contract No. 07-297404

Back To Query Form**Search Returned 1 Records**

Fri Oct 21 15:13:06 PDT 2016

**Query Criteria**

Firm/DBA Name: her-con construction

Firm Type: DBE

Firm ID	36281
Firm/DBA Name	HER-CON CONSTRUCTION SERVICES, INC.
Address Line1	758 S. HOLLENBECK AVENUE
Address Line2	
City	COVINA
State	CA
Zip Code1	91723
Zip Code2	
Mailing Address Line1	
Mailing Address Line2	
Mailing City	
Mailing State	
Mailing Zip Code1	
Mailing Zip Code2	
Certification Type	DBE
EMail	hercon7774511@aol.com
Contact Name	JOSEPH HERNANDEZ
Area Code	( 626 )
Phone Number	339-7000
Alt Area Code	( )
Alt Phone Number	
Fax Area Code	( 626 )
Fax Phone Number	331-3636
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	19; 30; 33; 38;
Districts	07; 08; 12;
DBE NAICS	236220; 237110; 237120; 237130; 237990;

**ACDBE NAICS**

Work Codes	C0651 CONCRETE & CEMENT SUPPLIER; C5100 CONCRETE STRUCTURE; C9801 BUILDING CONSTRUCTION; C9810 SMALL STRUCTURES;
Licenses	A General Engineering Contractor; C08 Concrete Contractor;
Trucks	
Gender	M
Ethnicity	HISPANIC
Firm Type	DBE

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